

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE: CASE NO. 16-39701

John A Hopkins, III; CHAPTER 13

Debtor(s). JUDGE LaShonda A. Hunt

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that on October 22, 2018 at 9:30 AM, or soon thereafter as counsel may be heard, I shall appear before the Honorable LaShonda A. Hunt or any judge sitting in his/her stead, in the courtroom usually occupied by him/her in Room 719 at 219 South Dearborn Street, Chicago, IL 60604, and move to present the attached motion.

/s/ Nisha B. Parikh  
Attorney for Creditor

**NOTE: This law firm is deemed to be a debt collector.**

**CERTIFICATE OF SERVICE**

I hereby certify that on October 15, 2018 a true and correct copy of the foregoing NOTICE OF MOTION was served:

Via the Court's ECF system on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Daniel J Winter, Debtor's Counsel  
Marilyn O Marshall, Trustee  
Patrick S Layng, U.S. Trustee

And by regular US Mail, postage pre-paid on:

John A Hopkins, III, 10030 S Kolin, Oak Lawn, IL 60453  
Patricia A Hopkins, 10030 South Kolin, Oak Lawn, Illinois 60453

/s/ Veronica Gerardo

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**MOTION FOR RELIEF FROM AUTOMATIC STAY AND RELIEF FROM THE CO-DEBTOR STAY**

Now comes Wilmington Savings Fund Society, FSB d/b/a christiana Trust, Not in it's individual capacity but solely as the trustee for the brougham fund I trust, secured creditor herein, by and through its attorneys, ANSELMO LINDBERG & ASSOCIATES LLC, and moves for entry of the attached Order Granting Relief from the Automatic Stay and Relief from the Co-Debtor Stay and in support thereof respectfully states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1334 and the general orders of the Northern District of Illinois.
2. Venue is fixed in this Court pursuant to 28 U.S.C. § 1409.
3. This matter constitutes a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G).
4. The debtor filed a petition for relief under Chapter 13 on December 19, 2016. The Chapter 13 Plan was confirmed on May 22, 2017.
5. Wilmington Savings Fund Society, FSB d/b/a christiana Trust, Not in it's individual capacity but solely as the trustee for the brougham fund I trust holds a mortgage secured by a lien on debtor's real estate commonly known as 10030 South Kolin, Oak Lawn, Illinois 60453.
6. Patricia A Hopkins signed the Mortgage, Note, and Loan Modification as a co-obligor.
7. As of October 5, 2018 there is no equity in the property as the value is \$175,000.00 (per Amended Schedule A/B) and the total payoff amount is \$239,533.08. Debtor has a 50% interest in the subject property.

8. As of October 5, 2018 the loan is past due for the August 1, 2018 to October 1, 2018 payments in the amount of \$2,459.08 each. The suspense credit is \$1,900.12. The total default is \$5,477.12, not including attorney fees and costs for bringing this motion.
9. The failure of the debtor to make timely payments is cause for the automatic stay to be modified as to the movant pursuant to 11 U.S.C. § 362(d)(1).
10. That Section 1301(c) of the Bankruptcy Code states: "On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay, provided by subsection (a) of this section with respect to a creditor, to the extent that (2) the plan filed by the debtor proposes not to pay such a claim."
11. The movant requests the Court order that Rule 4001(a)(3) is not applicable

WHEREFORE, Movant prays for an entry of the attached Order Granting Relief from the Automatic Stay and Relief from the Co-Debtor Stay and for such further relief as this Court deems proper.

Wilmington Savings Fund Society, FSB d/b/a christiana Trust, Not in it's individual capacity but solely as the trustee for the brougham fund I trust

/s/ Nisha B. Parikh

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Firm File Number: B18030080

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